PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

Not yet assigned - 371 of PCT/EP2003/006371

International

Filing Date:

17 June 2003 (17.06.2003)

Applicant:

SPETHER, Karl-Heinz

Title:

**CLOSING CONE** 

Attorney Docket:

2693-009/NP

Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

## **INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

#### I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

#### II. COPIES

A	_ Subn	nitted her	ewith is a	legible	copy of	f (i) ea	ach U.S.	patent
applic	ation pub	lication ar	nd U.S. ar	nd foreign	patent;	(ii) ead	ch public	ation or
that p	ortion w	hich caus	ed it to b	e listed;	(iii) for	each (	cross-ref	erenced
pendir	ng U.S.	application	n listed	below in	n Sectio	n IV,	the ap	plication
specif	ication in	cluding the	e claims, a	and any o	drawing of	of the a	applicatio	n which
cause	d it to be	listed incl	uding the	claims dir	rected to	that po	rtion; an	d (iv) all
other i	informatic	on or that r	ortion which	ch, caused	it to be	listed.		

B. \_\_\_\_ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

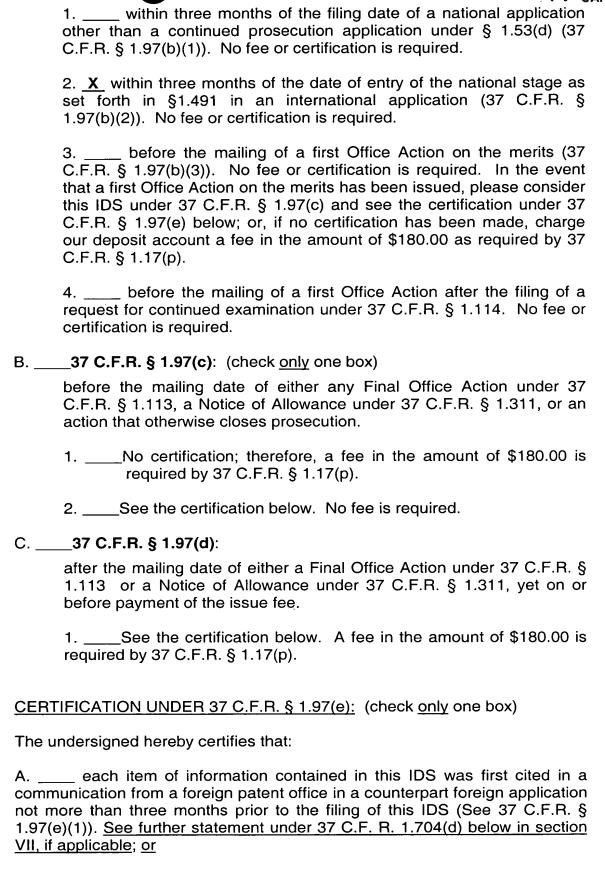
U.S. Filing Date

- C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.
- D. X This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

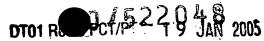
III.	CONCISE EXPLANATION OF THE RELEVANCE (check at least one box				
	A Except as may be indic publications or other information explanation not required).	cated below in (B) are in the Englis	, all of the patents, h language (concise		
	patent, publication or age is as follows (see				
	<ol> <li>X See the attached fore counterpart foreign approximately PCT/EP2003/006371.</li> <li>English translations are Other:</li> </ol>	plication: Internation	nal Search Report for		
	CThe following additional inconsideration.	formation is provide	ed for the Examiner's		
IV.	CROSS REFERENCE TO RELATE	D APPLICATION(S)			
	AThe Examiner is advised the contain(s) subject matter that may bringing this(these) application(s) does(do) not waive the confidentiality	be related to the pr to the Examiner's	esent application. By attention, Applicant(s)		
	Serial No. Fil	ling Date	<u>Art Unit</u>		

# V. THIS IDS IS BEING FILED UNDER

A X 37 C.F.R. § 1.97(b): (check only one box)



VI.



- B. \_\_\_\_ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. \_\_\_Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

### VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

#### VIII. PAYMENT OF FEES (check only one box)

- A. \_\_\_\_ A check in the amount of \$180.00 is enclosed for the above-identified fee.
- B. \_\_\_\_Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.



Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: January 19, 2005

By: Ryan P. MCCARTHY,

Reg. No. 50,636

HARNESS, DICKEY & PIERCE, P.L.C. P.O. Box 828
Bloomfield Hills, Michigan 48303 (248) 641-1600

RPM/smc

FORM HDP-1449 (Based on Form PTO-1449)

# PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 1 of 1

	7 M A E D D N A L
ATTORNEY DOCKET No.	SERIAL NO.
2693-009/NP	
APPLICANT	
SPETHER, Karl-Heinz	
FILING DATE	GROUP

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2,106,365 A	01/25/1938	Tiano		
2.		4,309,859 A	01/12/1982	Schindel		
3.		3,984,965 A	10/12/1976	Sonnenberg		
4.		1,773,259 A	08/19/1930	Cundall		
5.		4,756,137 A	07/12/1988	Lanigan		
6.		3,303,633 A	02/14/1967	Wilhere		
7.		5,417,031 A	05/23/1995	Bankuty et al.		
8.		2,684,141	07/20/1954	Pim		

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		784 257 A	10/09/1957	GB			
2.		35 38 971 C2	05/14/1987	DE		Abstract	
3.		39 12 324 A1	10/25/1990	DE		Abstract	
4.		100 58 225 A1	05/29/2002	DE		Abstract	
5.		687 759 A5	02/14/1997	СН			X

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)					
Ref. Desig.	Examiner's Initials				
1.		International Search Report for PCT/EP2003/006371; ISA/EP; Mailed: 10/13/2003			

Examiner:	Date Considered: